



***Bureau of Land Management
Director's Summary Protest Resolution
Report***

**Proposed Logandale Trails
Resource Management Plan
Amendment, Recreation Area
Management Plan/Travel
Management Plan and
Environmental Assessment**

June 23, 2023

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Acronyms

Term	Definition
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
Logandale Trails RMPA/EA	Logandale Trails Resource Management Plan Amendment, Recreation Area Management Plan, Travel Management Plan, and Environmental Assessment
NHPA	National Historic Preservation Act

Introduction

The Bureau of Land Management (BLM) Las Vegas Field Office released the Proposed Logandale Trails Resource Management Plan Amendment, Recreation Area Management Plan, Travel Management Plan, and Environmental Assessment (Logandale Trails RMPA/EA) on April 11, 2023. The BLM received four protest letters during the subsequent 30-day protest period.

The planning regulations at 43 Code of Federal Regulations (CFR) 1610.5-2 outline the requirements for filing a valid protest. The BLM evaluated all protest letters to determine which protest letters were complete and timely, and which persons have standing to protest. All four letters received met these criteria. No letters were dismissed from consideration due to lack of standing. One of the letters had a valid protest issue. The BLM documented the response to the valid protest issue in the protest resolution report. The protest decision was recorded in writing along with the reasons for the decision in this protest resolution report.

After careful review of the report by the BLM's Assistant Director for Resources and Planning, the Assistant Director concluded that the BLM Nevada State Director followed the applicable laws, regulations, and policies and considered all relevant resource information and public input. The Assistant Director addressed the protests and issued a Protest Resolution Report to protesting parties and posted the report on the BLM's website; no changes to the Logandale Trails RMPA/EA were necessary. The decision was sent to the protesting parties by certified mail, return receipt requested. Resolution of protests is delegated to the BLM Assistant Director for Resources and Planning whose decision on the protest is the final decision of the U.S. Department of the Interior (43 CFR 1610.5-2(b)) consistent with the BLM Delegation of Authority Manual (MS-1203 Delegation of Authority).

The report is divided into sections each with a topic heading, excerpts from individual protest letters, a summary statement of the issues or concerns raised by the protesting parties, and the BLM's response to the protests.

Protesting Party Index

Letter Number	Protester	Organization	Determination
PP-NV-LT-EA-23-01	Kevin Bailey	Individual	Dismissed – Comments Only
PP-NV-LT-EA-23-02	-	Vegas Valley Four Wheelers	Dismissed – Comments Only
PP-NV-LT-EA-23-03	Linea Sundstrom	American Rock Art Research Association	Denied
PP-NV-LT-EA-23-04	Ben Burr Simone Griffin	BlueRibbon Coalition	Dismissed – Comments Only

National Historic Preservation Act – Section 106

American Rock Art Research Association

Linea Sundstrom

Issue Excerpt Text: Nothing in the EA indicates that the proposed routes, camp sites, and target shooting area have undergone Class III archaeological survey. In short, you have decided the rock art sites will be fine without even knowing where they are in relation to proposed recreational activities. We disagree that your onus is to “balance” recreational use with resource protection. Your onus is to follow the law as regards archaeological resources and Native American religious sites. The law states that all significant archaeological resources are to be protected.

Summary:

The BLM violated Section 106 of the National Historic Preservation Act (NHPA) by not completing a full Class III archaeological inventory in areas proposed for recreational activities, thus failing to protect significant archaeological resources.

Response:

Section 106 of the NHPA requires Federal agencies to consider the effects of their actions and use authorizations on properties included in or eligible for inclusion in the National Register of Historic Places. Agencies must identify historic properties within the area of potential effects as part of satisfying Section 106 of the NHPA (36 CFR 800.4).

The BLM has developed an inventory process to assist in managing cultural resources in accordance with the NHPA. The BLM has established three classes of inventory for cultural resources; Class III is the most intensive. The preparation of a Resource Management Plan revision or amendment does not require a Class III inventory: “the scope and scale of cultural resource identification are much more general and less intensive for land use planning than for processing site-specific use proposals. Instead of new, on-the-ground inventory (i.e., Class III Inventory), the appropriate level of identification for land use planning is a regional overview [i.e., Class I inventory]” (BLM Handbook H-1601-1, p. C-8). Additionally, the Travel Management Section of the 2014 Nevada BLM State Protocol Agreement states that the BLM does not need to inventory route or area closures to a Class III standard when designations would allow off-highway vehicle use to continue on routes that have been effectively open or limited in use, as is the case for this effort.

As stated in Section 3.5.1 of the Logandale Trails RMPA/EA (p. 3-20), the BLM completed a non-random Class II cultural resources survey for the area of the potential effects. Results of the inventory can be found in Section 3.5.1 of the Logandale Trails RMPA/EA (pp. 3-18 through 3-20). As such, the BLM engaged in a reasonable and good-faith effort to identify historic properties per Section 106 of the NHPA (36 CFR 800.4). The BLM relied on the Class II inventory in preparation of the Logandale Trails RMPA/EA and in its analysis of any potential impacts on cultural resources, as described in Section 3.5.2 (pp. 3-20 through 3-24).

BLM also engaged in government-to-government consultation with federally recognized tribes throughout the planning process, as described in Section 4.2 of the Logandale Trails RMPA/EA (p. 4-6). The NHPA requires Federal agencies, as part of the NHPA Section 106 process, to consult with Indian tribes that attach religious and cultural significance to historic properties potentially affected by an undertaking (54 United States Code 302706; 36 CFR 800.2(c)(2)(ii)). The regulations implementing NHPA Section 106 require Federal agencies to make a “reasonable and good faith effort” to identify historic properties within the area of potential effects in part through consultation

with Indian tribes (36 CFR 800.4(b)). The BLM conducted extensive tribal consultation beginning in 2020 to discuss any concerns. Consultation with interested tribes continued throughout the planning process including numerous meetings and outreach, as described in Section 4.2 of the Logandale Trails RMPA/EA (p. 4-6), as well as sharing of the Class II cultural resources report (p. 3-20).

The BLM has adequately inventoried the area of potential effects for cultural resources, has adequately engaged with tribal governments, and has complied with Section 106 of the NHPA in preparing the Logandale Trails RMPA/EA. Accordingly, this protest is denied.

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